

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: VARRIANO-MARSTON, Elizabeth

Group Art Unit: 1772

Serial No. 09/877,757

Examiner: Patterson, Marc

Filed: 06/08/2001

Atty. Dkt. No: MARS93-DIV

For: REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED  
ATMOSPHERE PACKAGINGTo: Mail Stop ISSUE FEE  
Commissioner for Patents  
PO Box 1450  
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From:

24222

Commissioner:

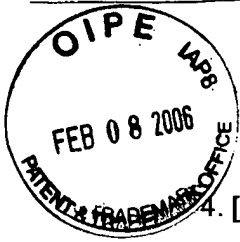
**LETTER OF TRANSMITTAL**

1. Transmitted herewith is 1 page PTOL-85B Issue Fee Transmittal, and 1 page PTO/SB/47 Fee Address Form. Applicant claims SMALL ENTITY status pursuant to 37 CFR 1.27.

2. Drawings: were previously approved.

3. DEPOSIT ACCOUNT 500323 AUTHORIZATION – All fees relating to the attached submittal are intended to be included herein. The office is however, hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the attached submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus. agents.

**NOTE: The Director of the USPTO is requested to re-apply the Issue Fee previously paid on March 15, 2005 to the application identified above.**

4. ☒ COMMENTS ON REASON FOR ALLOWANCE

The Applicant thanks the Office for providing reasons for allowance. However, the Applicant believes that the record as a whole amply supports the allowance of the claims and such further comments by the Office do not represent the full scope of the invention as defined in each of the claims. The Office merely recites elements of claim 1 as the reasons for allowance, and the Applicant wishes to ensure that such statement does not give rise to a presumption of acquiescence to those reasons, and any negative inferences that may flow therefrom. Applicant believes that the allowed claims 1-4, 6-12, 14, 21 and 22 including 1 independent claim are best interpreted in light of the record as a whole and not on the reasons presented in the Notice of Allowance.

Respectfully submitted,

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CERTIFICATE OF Facsimile 37 CFR 1.8: I certify that this correspondence is being faxed on the below date to Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, Fax #. 571-273-2885, Telephone #: 571-272-4200.

Date: February 8, 2006

☒ Debra A. Stengel